

PROB 12B
(12/98)

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JAMES BONINI
CLERK

United States District Court

for

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District of Southern Ohio

COPY
U.S. DISTRICT COURT
WEST OF CINCINNATI

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Cathy A Montesi

Case Number: 1:02CR00078-02

Name of Sentencing Judicial Officer: The Honorable Sandra S. Beckwith
Chief United States District Judge

Date of Original Sentence: March 28, 2003

Original Offense: Count 1: Conspiracy, Count 17: Embezzlement, Count 151: Mail Fraud, Count 158: Wire Fraud, Count 174: Bank Fraud; Count 175: False Statement

Original Sentence: Twelve months and one day imprisonment on each of Counts 1, 17, 151, 158, 174 and 175, concurrent, 36 month(s) supervised release on each Count

Type of Supervision: Supervised Release

Date Supervision Commenced: August 13, 2004

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
- ☒ To modify the conditions of supervision as follows: The offender violated the terms of her release by opening five new lines of credit without the permission of the Probation Officer. As a sanction, it is proposed that the offender be required to close all lines of credit, and additionally perform 100 hours of community service hours with a non profit agency, as designated by the U.S. Probation Officer.

CAUSE

The offender violated the terms of her supervised release by opening five lines of credit (credit card accounts), without the permission of the Probation Officer. The total amount of the five lines of credit equated to \$1,406.00. Her behavior is in direct violation of her conditions of release, as outlined by the Court in the Judgement Order.

Since the discovery of this violation, the offender has been instructed to cancel the lines of credit and provide this writer with documentation confirming the accounts are closed. To date, she has complied with that directive and has provided all the requested documentation showing the accounts are closed. Also, the accounts were paid in full by her significant other, Mr. Charles Browne. She has again been warned that she is not to open any new lines of credit, inclusive of loans, credit cards, bank accounts and the like.

Additionally, the offender has admitted violating the terms of her release. She indicated the reason for opening the initial accounts were to provide for her essential living expenses such as food, medication and transportation. She informed the subsequent accounts were opened because she felt she could apply for minimal lines of credit to began repairing her credit and improving upon her credit rating. It is noteworthy to mention that the offender owes a substantial amount of restitution in this case, and has been making minimal monthly payments. She was advised that improving her credit rating should not be a priority at this time.

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As a sanction for having violated the terms of her release, she has agreed to the above proposed sanction and is willing to comply with the conditions as outlined. Again, she has followed this writer's directives and closed the accounts. The requested documentation has been submitted as instructed.

Her case will continue to be monitored and the Court will be apprised of any additional problems should they arise. The offender has signed the appropriate form-49 Waiver of Hearing to Modify the Conditions of Release, after consulting with the Federal Public Defenders Office.

Should Your Honor agree, it is requested that the conditions be modified as outlined to impose the proposed sanction.

Respectfully submitted,

by



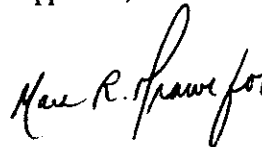
Michelle Merrett

U. S. Probation Officer

Date: April 16, 2007

Approved,

by



John Cole

Supervising U. S. Probation Officer

Date: April 16, 2007

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial Officer

Date

4/20/07

PROB 49

**UNITED STATES DISTRICT COURT
Southern District of Ohio**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

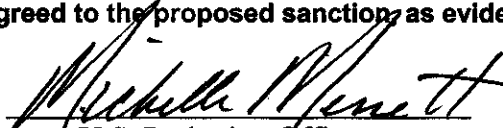
I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Ms. Montesi violated the terms of her release by opening five new lines of credit without the permission of the Probation Officer. The total amount of the five lines of credit equated to \$1,406.00.

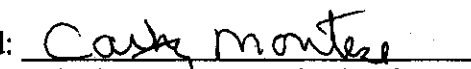
As a sanction, it is proposed that Ms. Montesi be required to close all lines of credit (which she has done), and additionally perform 100 hours of community service hours with a non profit agency, as designated by the U.S. Probation Officer.

On this date, Ms. Montesi consulted with the Federal Public Defender, Mr. Richard Smith-Monohan. She has agreed to the proposed sanction as evidenced by her signature below.

Witness:


U.S. Probation Officer

Signed:


Probationer of Supervised Releasee

April 16, 2007

DATE